

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZENIMAX MEDIA INC. and
ID SOFTWARE LLC,

Plaintiffs,

v.

OCULUS VR, LLC,
PALMER LUCKEY,
and FACEBOOK, INC.

Defendants.

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CIVIL CASE NO. 3:14-cv-01849-P

**AGREED MOTION FOR EXTENSION OF TIME FOR PLAINTIFFS TO FILE
A MOTION TO DENY DISCLOSURE OF CONFIDENTIAL INFORMATION
TO GARRY KITCHEN, AND MEMORANDUM IN SUPPORT**

Plaintiffs ZeniMax Media Inc. and id Software LLC (collectively, “ZeniMax”) and Defendants Oculus VR, LLC, Palmer Luckey, and Facebook, Inc. (collectively, “Defendants”) hereby move the Court for an extension of time for ZeniMax to file any Motion for an Order Denying Disclosure of Confidential Information to one of Defendants’ expert witnesses, Garry Kitchen, under the Protective Order.

In support of its Motion, the parties further state as follows:

1. On *August 19, 2015*, Defendants notified ZeniMax that they proposed to disclose ZeniMax’s confidential information to Garry Kitchen under the Protective Order.

2. On *September 2, 2015*, ZeniMax timely served a notice of objection to Defendants’ proposed disclosure of ZeniMax’s confidential information to Mr. Kitchen under § 10(e) of the Protective Order.

3. On *September 8, 2015*, Defendants notified ZeniMax that they would not withdraw their proposal to disclose ZeniMax’s confidential information to Mr. Kitchen.

Pursuant to § 10(e) of the Protective Order (Dkt. No. 107), ZeniMax's deadline to file any Motion for an Order Denying Disclosure of Confidential Information to Mr. Kitchen is today, September 17, 2015. Recently, the parties have engaged in discussions to resolve certain discovery disputes among themselves. The parties intend to continue such discussions in the near term.

In order to allow the parties to continue their work to resolve their discovery disputes—including possibly resolving ZeniMax's objection to the disclosure of its confidential information to Mr. Kitchen—without prejudice to ZeniMax's ability to obtain judicial resolution of its objection, the parties request a two week extension of time for ZeniMax to file any Motion for an Order Denying Disclosure of Confidential Information to Mr. Kitchen.

Accordingly, the parties respectfully request that the Court extend the time for ZeniMax to file any Motion for an Order Denying Disclosure of Confidential Information to Mr. Kitchen to and including October 1, 2015.

Dated: September 17, 2015

Respectfully submitted,

/s/ Phillip B. Philbin

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Attorneys for Plaintiffs
ZeniMax Media Inc. and id Software LLC

CERTIFICATE OF CONFERENCE

I, Kurt Wm. Hemr, the undersigned counsel for Plaintiffs, conferred with counsel for Defendants on September 17, 2015 regarding the relief requested by this Motion, who advised that Defendants do not oppose the granting of such relief.

Dated: September 17, 2015

/s/ *Kurt Wm. Hemr*

Kurt Wm. Hemr

CERTIFICATE OF SERVICE

On September 17, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: September 17, 2015

/s/ Phillip B. Philbin

Phillip B. Philbin